

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
May 15, 2018
6:00 P.M.

1. Call to Order: Mayor James E. Faircloth, Jr., Presiding Officer, called to order the regular meeting of the Perry City Council held May 15, 2018 at 6:00 p.m.

2. Roll.

Elected Officials Present: Mayor James E. Faircloth, Jr., Mayor Pro Tempore Randall Walker; Council Members Phyllis Bynum-Grace, William Jackson, Robert Jones, Willie King, and Riley Hunt.

Elected Officials Absent: None

Staff: City Manager Lee Gilmour, Assistant City Manager Robert Smith, Assistant City Attorney Matthew Hulbert and Assistant City Attorney Josh Waters, and Recording Clerk Cyndi Houser.

City Departmental Staffing: Chief Steve Lynn – Perry Police Department, Chief Lee Parker – Fire and Emergency Services Department, Bryan Wood – Director of Community Development, Brenda King – Director of Administration, Kevin Dye – Director of Leisure Services, Val Sanders – Customer Service Manager, Catherine Edgemon – Main Street Coordinator and Haley Myers – Special Events Coordinator.

Guest(s): Ms. Darlene McLendon – Perry Area Chamber of Commerce, Ms. Sharon Kelly, Ms. Robyn McBride, Mr. Ronald Davis, Mr. Robert Crayton, Mr. Ryan Bode, Mr. Travis Falcione, and Mr. David Keene – ESG Operations, Inc., Mr. Earnest Earns – Georgia Association of Water Professionals, Mr. Edrick Harris – Prestwick Properties, and Ms. Doreen Winkler.

Media: James Simpson, III - Houston Home Journal

3. Invocation and Pledge of Allegiance to the Flag: Mayor James E. Faircloth, Jr.

Council Member Willie King rendered the invocation and Council Member William Jackson led the pledge of allegiance to the flag.

4. Recognition(s)/Presentation(s): Mayor James E. Faircloth, Jr.

Mayor Faircloth deviated from the agenda due to the presenter for (4a.) being stalled in traffic.

4b. Recognition of ESG Operations, Inc. employees – Ms. Robyn McBride, Mr. Ronald Davis, and Mr. Robert Crayton.

Ms. Kelly introduced Ms. McBride and explained she detected and solved a problem in a radio read system tower saving thousands of dollars; Mr. Davis noticed a co-worker was acting funny and took him to the hospital saving the man from a serious stroke; and Mr. Crayton assisted a senior citizen when her car caught on fire.

- 4c. Resolution recognizing and commending all Georgia PlanFirst Communities – Mayor Faircloth.

Mayor Faircloth read Resolution 1001 from the Georgia State Senate recognizing all the PlanFirst communities which included the City of Perry.

- 4d. Food Truck Friday Recap – Ms. H. Myers

Ms. Myers provided a Power Point summarizing the first Food Truck Friday which was estimated to have had over 2,000 attendees. The next event is scheduled for June 8th.

5. Citizens with Input:

Ms. Doreen Winkler, owner of Reflections Salon, 1010 Ball Street, Perry, asked the City to consider how the early blocking of parking spaces during special events in the downtown area affects businesses including accessibility for handicapped customers.

The Mayor returned to item 4A.

- 4a. Presentation to Mayor and Council – Mr. Ernest Earns, President of Georgia Association of Water Professionals.

Mr. Earns presented ESG Operations, Inc. with the following awards: Water Plant of the Year; Best Tasting Water, District 5 GAWP; and Water Plant Gold Award for Perfect Compliance. In addition, Mr. David Keene received the top Water Operator of the Year award.

The Mayor continued with the regular agenda.

6. PUBLIC HEARING CALLED TO ORDER AT 6:20P.M. Mayor James E. Faircloth, Jr. called to order a public hearing at 6:20 p.m. to provide any interested parties with an opportunity to express their views and concerns in accordance with O.C.G.A. Sec. 36-67A-3 (c).

- 6a. Petition for Rezoning Application No. R-17-09. The City of Perry's application to rezone 1804 Tucker Road from Perry-R-2, Two Family Residential District to GU, Government Use District, Tax Map No.: oP450 0510000.

Staff Report: Mr. Wood reviewed the Petition for Rezoning Application No. R-17-09. The property will be used for a water treatment plant. The Planning Commission and staff recommended approval of the application as submitted.

Public Input: Mayor Faircloth called for any public input for or opposed to the petition.

For: None

Opposed: None

- 6b. Petition for Rezoning Application No. R-18-02. The City of Perry's application for rezoning of properties:
1201 Ball Street; Tax Map No. oP0060 049000
1203 Ball Street; Tax Map No. oP0060 050000
1205 Ball Street; Tax Map No. oP0060 051000
1207 Ball Street; Tax Map No. oP0060 052000
1209 Ball Street; Tax Map No. oP0060 044000
805 Carey Street; Tax Map No. oP0060 041000
807 Carey Street; Tax Map No. oP0060 042000
from C-3 Central Business District to NMU, Neighborhood Mixed Use
(Downtown Development Overlay District to remain in place).

Staff Report: Mr. Wood reviewed the application noting with the change in zoning it can be used for commercial or residential. The Planning Commission and staff recommended approval.

Public Input: Mayor Faircloth called for any public input for or opposed to the petition.

For: Ms. Mary Murphy, owner of one of the parcels, asked for approval of the zoning change which will assist her in the sale of the property. She further indicated that if it was approved, she would withdraw her application for rezoning for 1207 Ball Street and would request a refund of fees.

Opposed: None

- 6c. Petition for Rezoning Application No. R-18-03. Applicant Ms. Mary B. Murphy requested the rezoning of property from C-3, Central business District FBR, Form Based Residential (Downtown Development Overlay District to remain in place). The property is located at 1207 Ball Street; Tax Map No. oP0060 052000.

Staff Report: Mr. Wood explained the zoning change request is based on a potential sale, but if Council approves the petition listed under 6b, the applicant will withdraw her petition. The Planning Commission and staff recommended approval.

Public Input: Mayor Faircloth called for any public input for or opposed to the petition.

For: Ms. Mary Murphy, owner of the parcel, asked for approval of the zoning change.

Opposed: None

- 6d. Petition for Rezoning Application No. R-18-04. Applicant, Prestwick Development Company, requests the rezoning of 3.70 acres from R-3, Multi-Family Residential to PUD, Planned Unit Development. The property is located at 517 Martin Luther King, Jr. Drive; Tax Map No. oP0060 05200.

Staff Report: Mr. Wood explained the petition is for a specific project and was reviewed by the Planning Commission and staff and recommended for approval as submitted with the following conditions:

1. The PUD zoning shall automatically revert to the prior R-2 zoning on December 31, 2018 if the proposed project does not receive LIHTC funding in 2018;
2. The PUD zoning shall apply only to the 3.7 acre portion of the subject parcel as indicated on the preliminary site plan prepared by GLA, dated 3/19/18;
3. The applicant shall subdivide the 3.7 acres from the remainder of the subject parcel;
4. The site shall be developed substantially in compliance with the preliminary site plan prepared by GLA, dated 3/19/18;
5. The building shall not exceed three stories in height;
6. The number of parking spaces provided on site shall not exceed 65;
7. The applicant shall provide a landscape buffer between the development and abutting single-family dwellings using Screening Option 3 (Planted Buffer) from Section 6-3.5(D) of the Land Management Ordinance;
8. Exterior lighting shall use only full cut-off LED fixtures mounted no more than 20 feet above ground level;
9. The applicant shall install an ADA-compliant sidewalk within the rights-of-way of Starbuck Drive/Jeanne Street to connect the site with the existing sidewalk along Martin Luther King Jr. Drive, subject to verification by Perry Public Works/Community Development of adequate existing right-of-way; and
10. The specific conditions listed above are in addition to compliance with all other applicable development standards.

Public Input: Mayor Faircloth called for any public input for or opposed to the petition.

For: Edrick Harris, representing the developer, Prestwick Companies, advised he would be happy to answer any questions concerning the project.

Opposed: None

Public Hearing Closed at 6:33 p.m. Mayor James E. Faircloth Jr. closed the public hearing at 6:33 p.m.

7. Review of Minutes: Mayor James E. Faircloth, Jr.

- 7a. Council's Consideration – Minutes of the April 16, 2018 work session, April 17, 2018 pre council meeting, April 17, 2018 council meeting and April 30, 2018 work session.

Council Member Bynum-Grace motioned to accept the minutes as submitted; Council Member Hunt seconded and it carried unanimously.

8. Old Business: Mayor James E. Faircloth, Jr.

- 8a. Mayor James E. Faircloth, Jr. – None
8b. Council Members – None
8c. City Manager Lee Gilmour – None
8d. Assistant City Manager Robert Smith – None
8e. City Attorney – None

9. New Business: Mayor James E. Faircloth, Jr.

9a. Ordinance(s) for First Reading(s) and Adoption:
(Second reading waived at the April 30, 2018 work session)

1. **First and Second Reading** of an ordinance for the rezoning of property from the City of Perry R-2, Two Family Residential District to GU, Government Use District. The property is located at 1804 Tucker Road; Tax Map No. 090450 051000.

Adopted Ordinance 2018-05 rezoning property from City of Perry R-2, Two Family Residential District to GU, Government Use District. Mr. Wood advised the application had been reviewed by the Planning Commission and staff and was recommended for adoption as submitted. Council Member Jackson moved to adopt the ordinance as submitted; Mayor Pro Tempore Walker seconded and it carried unanimously. *(Ordinance 2018-05 has been entered into the City's official book of record.)*

2. **First and Second Reading** of an ordinance for the rezoning of properties:
1201 Ball Street; Tax Map No. oP0060 049000
1203 Ball Street; Tax Map No. oP0060 050000
1205 Ball Street; Tax Map No. oP0060 051000
1207 Ball Street; Tax Map No. oP0060 052000
1209 Ball Street; Tax Map No. oP0060 044000
805 Carey Street; Tax Map No. oP0060 041000
807 Carey Street; Tax Map No. oP0060 042000
from C-3 Central Business District to NMU, Neighborhood Mixed Use
(Downtown Development Overlay District to remain in place).

Adopted Ordinance 2018-06 rezoning properties from C-3 Central Business District to NMU, Neighborhood Mixed Use (Downtown Development Overlay District to remain in place). Mr. Wood advised the Planning Commission and staff had reviewed the entire neighborhood and recommended approval of the rezoning. Mayor Pro Tempore Walker moved to adopt the ordinance as

submitted; Council Member Bynum-Grace seconded and it carried unanimously. (*Ordinance 2018-06 has been entered into the City's official book of record.*)

3. **First and Second Reading** of an ordinance for the rezoning of property from C-3, Central Business District to FBR, Form Based Residential (Downtown Development Overlay District to remain in place). The property is located at 1207 Ball Street; Tax Map No. op0060 052000.

Based on the approval of the rezoning in Ordinance 2018-06, the applicant, Ms. Mary Murphy, stated she would withdraw her application and requested a refund of her fees. Mayor Pro Tempore Walker moved to refund Ms. Murphy's application fees; Council Member Jones seconded and it carried unanimously.

4. **First and Second Reading** of an ordinance for rezoning of 3.70 acres from R-3, Multi-Family Residential to PUD, Planned Unit Development. The property is located at 517 Martin Luther King, Jr. Drive; Tax Map No. oP0210 055000.

Adopted Ordinance 2018-07 rezoning of 3.7 acres from R-3, Multi-Family Residential to PUD, Planned Unit Development. Mr. Wood advised the application had been reviewed by the Planning Commission and staff and approval was recommended as submitted with the following conditions:

1. The PUD zoning shall automatically revert to the prior R-2 zoning on December 31, 2018 if the proposed project does not receive LIHTC funding in 2018;
2. The PUD zoning shall apply only to the 3.7 acre portion of the subject parcel as indicated on the preliminary site plan prepared by GLA, dated 3/19/18;
3. The applicant shall subdivide the 3.7 acres from the remainder of the subject parcel;
4. The site shall be developed substantially in compliance with the preliminary site plan prepared by GLA, dated 3/19/18;
5. The building shall not exceed three stories in height;
6. The number of parking spaces provided on site shall not exceed 65;
7. The applicant shall provide a landscape buffer between the development and abutting single-family dwellings using Screening Option 3 (Planted Buffer) from Section 6-3.5(D) of the Land Management Ordinance;
8. Exterior lighting shall use only full cut-off LED fixtures mounted no more than 20 feet above ground level;
9. The applicant shall install an ADA-compliant sidewalk within the rights-of-way of Starbuck Drive/Jeanne Street to connect the site with the existing sidewalk along Martin Luther King Jr. Drive, subject to verification by Perry Public Works/Community Development of adequate existing right-of-way; and
10. The specific conditions listed above are in addition to compliance with all other applicable development standards.

Council Member Jones moved to adopt the ordinance rezoning 3.7 acres from R-3, Multi-Family Residential to PUD, Planned Unit Development as submitted with the listed conditions; Council Member Bynum-Grace seconded and the motion passed 5-0 with Council Member King abstaining. *(Ordinance No. 2018-07 has been entered in the City's official book of record.)*

9c. Resolution(s) for Consideration and Adoption:

1. Adopted Resolution 2018-30 accepting a donation of lots in Wind River Subdivision for use as greenspace. Mr. Wood recommended acceptance with the following conditions: Owners must clean up the debris on the 12 lots totaling 10.36 acres and install sidewalks which would connect to the current sidewalks. Council Member Jones moved to accept a donation of lots in Wind River Subdivision as greenspace with the conditions recommended by Community Development; Council Member King seconded and it carried unanimously. *(Resolution 2018-30 has been entered in the City's official book of record.)*
2. Adopted Resolution 2018-31 authorizing the Mayor and Clerk to execute a supplemental lease and project fund agreement to provide financing for purchase of trucks, fire equipment and excavator. Ms. King advised these items would be on a 5-year lease through GMA for \$127,325.81 to purchase equipment but would not include Public Safety. Council Member Bynum-Grace moved to authorize the Mayor and Clerk to execute a supplemental lease and project fund agreement as submitted; Council Member Jones seconded and it carried unanimously. *(Resolution 2018-31 has been entered in the City's official book of record.)*
3. Adopted Resolution 2018-32 authorizing the Mayor and Clerk to execute a supplemental lease and project agreement to provide financing for purchase of police vehicles, administration vehicles and equipment. Ms. King explained this is a 3-year lease through GMA for the purchase of vehicles for the Police Department and Administration in the amount of \$485,012.00. Council Member King moved to authorize the Mayor and Clerk to execute a supplemental lease and project fund agreement to provide financing for the purchase of police vehicles, administration vehicles and equipment; Council Member Jones seconded and it carried unanimously. *(Resolution 2018-32 has been entered in the City's official book of record.)*

- 9d. Approved a Memorandum of Understanding between the City and Georgia Department of Community Affairs for the Main Street Program for 2018. Ms. Edgemon reviewed the annual Memorandum of Understanding noting that the term has been changed to match the fiscal year, a full-time administrator is required and an audit will be conducted in January 2019. Mayor Pro Tempore Walker moved to approve the Memorandum of Understanding between the City and Georgia Department of Community Affairs for the Main Street Program for 2018 as submitted; Council Member Jones seconded and it carried unanimously.

9e. Approved a contract for ROK Technologies, LLC for GIS services. Mr. Wood reviewed the contract which included initial set up services for \$18,780.00 and an annual fee of \$12,180.00. Council Member King moved to approve the contract with ROK Technologies, LLC as submitted; Council Member Jackson seconded and it carried unanimously.

9f. Special Events Application(s): Mayor James E. Faircloth, Jr.

1. The Perry Chamber of Commerce will be hosting its Independence Parade and Freedom Fireworks event on Sunday, June 24, 2018, beginning at 6 p.m.

Street Closure(s) requested:

Washington Street between Sam Nunn Boulevard and Northside Drive
Washington Street between Northside Drive and Main Street
Main Street between Washington Street and General Courtney Hodges Boulevard
General Courtney Hodges Boulevard between Main Street and Larry Walker Parkway
Larry Walker Parkway between General Courtney Hodges Boulevard and North Gate of GNFA

Chief Lynn reviewed the Chamber's application for the annual event and staff recommended approval as submitted. Council Member Hunt moved to approve the street closures as requested; Council Member Jones seconded and it carried unanimously.

2. The Perry Downtown Merchants Council will be hosting its 6th Annual Progressive Wine Tasting event in downtown Perry on Friday, June 1, 2018, from 6 p.m. – 9 p.m.

Street Closure(s) requested:

Ball Street between Main Street and Commerce Street
Carroll Street between Jernigan Street and Washington Street

Approval of special event alcohol permit license application.

Chief Lynn reviewed the Merchants Council application requesting certain street closures and approval of the special event alcohol permit and staff recommended approval. Mayor Pro Tempore Walker moved to approve the application as submitted; Council Member King seconded and it carried unanimously.

3. The City of Perry will be hosting Saturday Cinema on May 26, June 23, July 28, August 25 and September 22 from 7 p.m. – 11 p.m. in various city parks.

Ms. Myers explained that the outdoor movie events will be held in parks that are not normally rented in order to offer opportunities in various neighborhoods in the City. Council Member Jackson moved to approve all the events as submitted; Mayor Pro Tempore Walker seconded and it carried unanimously.

9g. Authorized blocking of Marion Street on June 15, 6 p.m. until 8 pm for neighborhood block party. Chief Lynn explained this is an annual event for the Greater Union Baptist Church celebrating the end of their Vacation Bible School, and Marion Street is narrow and short street abutting the church's parking lot. Council Member Jones moved to approve the street closure as submitted; Council Member King seconded and it carried unanimously.

10. Other Business/Supplemental Agenda: Mayor James E. Faircloth, Jr.

10a. Approved Resolution 2018-33 extending the moratorium for personal care facilities permits for an additional sixty (60) days. Mr. Gilmour advised Council the original moratorium would end before the amendment and hearing could be completed. Council Member King moved to extend the moratorium for personal care facilities permits for an additional sixty (60) days; Council Member Jackson seconded and it carried unanimously. (*Resolution 2018-33 has been entered in the City's official book of record.*)

10b. Resolution(s) for Consideration and Adoption:

1. Adopted Resolution 2018-34 declaring certain City equipment surplus. Chief Parker advised the Fire Department had fire hoses tested and 25 50' hoses failed the stress test. Therefore he requested they be marked as surplus to be disposed. Council Member Jones moved to adopt Resolution 2018-34 declaring certain City equipment surplus; Council Member King seconded and it carried unanimously. (*Resolution 2018-34 has been entered in the City's official book of record.*)

10c. Appointment(s) to Boards/Commissions/Authorities:

1. Appointed Charlie Griffis to the Planning Commission. Council Member Jackson moved to appoint Charlie Griffis to the Planning Commission. Council Member Hunt seconded the motion and it carried unanimously.

11. Council Member Items: None

12. Department Heads/Staff Items:

Chief Parker, Ms. King, Mr. Wood, and Mr. Smith had no reports

Mr. Dye announced that Summer Camp registration will begin May 19th; Adult Kickball registration will be June 4-9th; and disc golf Fridays for ages 5 and up will be held in June. Registration information is on the web site/Facebook page.

Chief Lynn announced Peace Officers Week from May 14-18th and Peace Officers Memorial Day was Monday, May 14th.

Ms. Edgemon announced that an extra historical tram tour has been added for May 24th; and the seventh round of BOOST applications are now being accepted.

Ms. Houser presented a certificate to Mayor and Council from United Way to the City of Perry for being one of the top 100 most generous cities for the 2018 campaign.

13. General Public Items:

Ms. McLendon, 900 Carroll Street, Perry reminded everyone the next Business After Hours will be held at Abba House on Thursday, May 24th from 5:30-7:00 pm.

Ms. Mary Murphy, Perry, is a lifelong resident and has been pleased with the progress that has come and continues to come to Perry.

14. Mayor Items:

Walk with Mayor and Council is scheduled for Tuesday, May 22nd at 5:00 pm and will begin at the Old Courthouse Square.

June 4, 2018 – work session at 5:00 pm

June 5, 2018 – pre-council (5:00 pm) and council meetings (6:00 pm)

15. Executive Session entered at 7:05 p.m.: On a motion by Mayor Pro Tempore Walker, seconded by Council Member Jones and carried unanimously, Council went into executive session for personnel.

16. Executive Session adjourned at 7:38 pm; Council's meeting reconvened. Council adjourned the executive session held May 15, 2018 and reconvened into the council's meeting.

17. Adopted Resolution No. 2018-35 stating the purpose of the executive session held on May 15, 2018 was for personnel. On a motion by Council Member Hunt, seconded by Council Member Jackson and carried unanimously adopted Resolution No. 2015-35 stating the purpose of the executive session held on May 15, 2018 was for personnel. *(Resolution 2018-35 has been entered in the City's official book of record).*

18. Adopted Resolution 2018-36 appointing Sharell F. Lewis as Lead Municipal Court Judge. Mayor Pro-Tempore Walker moved to appoint Sharell F. Lewis as the Lead Municipal Court Judge and was seconded by Council Member King. The motion carried 5-1 with Council Member Hunt opposing. *(Resolution 2018-36 has been entered in the City's official book of record).*

19. Adjourned: There being no further business to come before Council in the meeting held May 15, 2018, Council Member Bynum-Grace motioned to adjourn the meeting at 7:40 p.m.; Council Member Jackson seconded the motion and it carried unanimously.